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OFFICE OF PETITIONS

In re Application of :
Kouji Yokouchi :
Application No. 10/669,471 : **DECISION GRANTING PETITION**
Filed: September 25, 2003 :
Attorney Docket No. 2091-0292P :

This is a decision on the petition filed June 13, 2005, requesting that the above-identified application be accorded a filing date of September 25, 2003.

On September 25, 2003, the above-identified application was filed. On May 12, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because the specification filed did not contain at least one claim. The Notice also indicated that pages 19-35 of the specification were omitted and that neither an abstract nor an oath or declaration was found with the original application papers. The Notice allowed a non-extendable period for reply of two months from its mailing date.

In response, on June 13, 2005, applicants filed the present petition and a copy of an Office date-stamped postcard showing that, among other items, thirty-five pages of the specification, including claims and abstract, were received on September 25, 2003. The postcard also acknowledged receipt of the declaration on September 25, 2003.

Upon review of the record, neither the claims, pages 19-35 of the specification, the abstract, or the declaration were located among the application papers. However, the evidence is convincing that the application papers deposited September 25, 2003, included the claims, pages 19-35 of the specification, the abstract, and the declaration, which were subsequently misplaced by the Office. Therefore, the application, the claims, pages 19-35 of the specification, the abstract, or the declaration was complete on filing and entitled to a filing date of September 25, 2003.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 25, 2003, including the claims, pages 19-35 of the specification, the abstract, and the declaration.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

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